IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

RP(FC).No. 14 of 2003()

MC.181/2000 of FAMILY COURT, KOLLAM
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REVISION PETITIONER-(COUNTER PETITIONER)

SREENIVASAN S/O. VASAVAN,
KADAYIL VEEDU, MUNDUMADAVILA KADAYIL VEEDU,
PERAYAM CHERRY, MULAVANA VILLAGE, KOLLAM TALUK.

BY ADV. SRI.A.AHZAR
SRI.SANAL.S

RESPONDENTS: PETITIONERS
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1. VIJAYASREE D/O. SADANANDAN,
PANAYIL VEEDU, NEERAVIL CHERRY,
THRIKKADAVUR VILLAGE, KOLLAM TALUK.

2. AMAL, AGED 4 (MINOR), DO.

BY ADV. SRI.C.RAJENDRAN

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 23/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.1468/2003 IN R.P.(F.C).NO.14/2003

CLOSED.

SD/- K.R.UDAYABHANU, JUDGE

23/10/2007

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K.R.UDAYABHANU, J.

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R.P.(F.C).No.14 of 2003-A

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Dated this the 23rd day of October, 2007

O R D E R

The revision petitioner is the respondent/husband in M.C No.181/2000 instituted by the first petitioner wife for maintenance of herself and minor child aged two and a half years old. It is the contention of the revision petitioner that the first petitioner is living apart without any sufficient reasons and further, that he is not having any regular employment and hence, the amount ordered to be paid as maintenance is liable to be reduced. The court below has ordered to pay maintenance at the rate of Rs.500/- to the first petitioner and Rs.300/- to the second petitioner from the date of the petition.

2. The evidence adduced in the matter consisted of the testimony of PW.1 the petitioner, CPW.1 the respondent and CPW.2.

3. I find that the marriage and paternity is not disputed. According to the first petitioner the revision petitioner was asking for a sum of rupees one lakh and as her parents failed to pay the same she was being tortured and also that the gold ornaments given to her at the time of marriage was misappropriated. It is alleged that the revision petitioner

is working as a bus conductor and he is earning Rs.2,000/- per month and it is also urged that he is conducting a daily chitty and is earning not less than Rs.10,000/- per month.

4. On the other hand the revision petitioner had filed objection denying the allegations of torture etc., and has contended that he is qualified to be a Hindi tutor and, although he is qualified to be a Hindi tutor he did not have any job and hence, he is working as a bus conductor and gets 15 days work in a month. It is also alleged that she has mental imbalance and she used to threaten to commit suicide. All the same, he has also expressed the willingness to accommodate the petitioner if she would come back to him. He has also filed an O.P (HMA 417/99) for divorce.

5. Although there was no pleadings in support of the version of CPW.1 that the first petitioner is earning a sum of Rs.100/- from doing embroidery works, CPW.2 a lady has stated that she had worked along with PW.1 and that PW.1 has worked in the house of one Sindu and subsequently with one Thankamma. As noted by the court below both the above Sindu and Thankamma were not summoned or cross-

examined. PW.1 has denied that she is having any employment. It was also to be noted that there was no such contention in the counter statement filed by the revision petitioner. In the circumstances, I find that no reliance can be placed on the evidence of CPW.2. I find that there is no bona fides in the willingness expressed by the revision petitioner to look after the petitioners if PW.1 returned to him as he has alleged that she has mental imbalance and that she is taking medicines for the same. I find that the amount ordered to be paid as maintenance is only very reasonable. I find that there is no scope for interference. The revision petition is dismissed.

K.R.UDAYABHANU,
Judge

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